

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Curtis Marcell Smallwood,

Civil 13-63 MJD/FLN

Plaintiff,

v.

O R D E R

Lucinda Jesson,
Commissioner of Human Services,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation [Doc. #14] by United States Magistrate Judge Franklin L. Noel dated August 2, 2013, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Respondent's motion to dismiss (ECF No. 8) is **GRANTED**.
2. Petitioner's Application for Writ of Habeas Corpus (ECF No. 1) is **DENIED WITHOUT PREJUDICE**.
3. Petitioner's Motion for Appointment of Counsel (ECF No. 7) is **DENIED** as moot.

DATED: September 5, 2013.

s/Michael J. Davis
CHIEF JUDGE MICHAEL J. DAVIS
United States District Court